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JF: Let's start with a very easy question: How do we end the war in Vietnam? (laughs)

DE: By stopping killing people in Indochina. We've been prolonging that war for really 25 years now, first by supporting the French, then by taking over from them directly in what is really just as colonial an operation as the one we supported when they were there. The war ends when we stop doing that. The current Saigon regime, essentially our agents in Saigon, ceases to be even a facade of a government the day we take them off the American payroll. So the answer to your question is: We end an American payroll for Vietnamese officials in Vietnam; we stop bombing; we take all our troops out; we stop paying for a war, and we stop conducting a war.

JF: Umhmm...what would be the end result? I mean, there are disasters spelled out for us by people in Washington if we pull Mr. Thieu out of there, the Communists will take over and we will in vain have wasted 54,000 American lives.

DE: There is no way that we can bring those 55,000 American lives back to life, and that's a terrible responsibility to bear for the five Presidents in a row who sent those men over to die and to kill. And not only for them, obviously; for the Congress who drafted them and, we even have to say fairly widely, for the people who year after year followed their very natural instincts to start with to trust a President, not to question, not to examine their own responsibilities as a citizen to see that this war should be ended. So we all share that, I more than most. I participated as an official, not as a high official, and I don't mean to exaggerate my role or my responsibility. But there are different degrees of responsibility, and mine is more than some. So that...we have to take responsibility for what happened, and all we can do is try to learn from it for the future and act so that we don't spend lives or take lives-uselessly and unjustifiably in the future, as we have in the past.

As for what follows in Vietnam, the first thing I think for us to be clear on is that that is not our business. Our business is to govern ourselves, and to act on any other pretensions or self-deceptions is just tragic for the other people whose lives we try to dominate. We

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should have learned that. That wasn't clear to me six or seven years ago when I was in the government, in Vietnam where I volunteered to go for the State Department. Just--I hate to say it, but it just wasn't clear to me that the U.S. State Department shouldn't be running Vietnam, shouldn't be thinking of itself as solving the problems of Vietnam one way or another.

Now, if I believed that the result of our leaving would result in human tragedies in any way comparable to the tragedies that we're causing right now by prolonging the war, then I couldn't ignore those. I'd have to say: The problem is still very complicated; we've somehow got to thread our way out from that. Well, the problem is complicated, but not that complicated. Because, in fact, I really know of no one who knows the history of Vietnam and the sociology of these contending Vietnamese or anything--and I know quite a few people who do know that pretty well, relatively--I don't know one who believes that the victims in Vietnam after we leave--and there will be victims, as there are every year in every country in the world, one way or another--that those victims will in number or in tragedy be even remotely comparable to the victims that are being caused by the war machine that we're wielding over there, in a blind and unjustified way.

JF: If the State Department's role is not that of seeing to things in Vietnam, what is the role of the State Department in our form of government?

DE: The role of the State Department is to respond to the will, desires, and needs of this country, to protect our legitimate interests, to protect our safety in this country. And, you know, you don't protect the safety of Americans by sending them over to face armed people who are fighting for their independence in some other country. It's not a safe thing to do. And that's not--we weren't really protecting our sons when we did that, and our brothers when we sent them over there. I think people don't see it that way usually, but really, those people who died over there, they're just as dead as if they'd died defending it against an invasion of this country... But they didn't die in as justifiable a cause.

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JF: Then you see Chinese Communism or Russian Communism as no threat pictured in Vietnam?

DE: We're not fighting Russian Communism or Chinese Communism in Vietnam. That would be another matter entirely, one way or the other. I don't see it as about to invade or to attack this country. I do see those--Russia in particular--as countries with the physical capability of attacking this country, and that's something we have to deal with and confront. It certainly isn't preventing President Nixon from having visited Russia and China in a very friendly fashion recently, which I think was proper for him to do in itself. And the irony is that he didn't see fit to visit, let's say, North Vietnam, which is a country which really does pose no threat whatever to the security of the United States, none whatever. That's so obvious, you know, that it almost seems ludicrous to have to say it. And yet, there is a country that we act as if it posed the kind of threat that Hitler, Nazi Germany, posed to us in World War II. And when I say act as if, I mean this, that President Nixon in what he describes as winding down a war, as ending a war--wrongfully, but he describes it that way--has dropped almost twice as many bombs on Indochina as we dropped in all the theatres of World War II--not just Germany, but Japan and everywhere else in World War II. We dropped two million tons then. He's dropped 3.7 million tons in Indochina, the majority of that, incidentally, not on North Vietnam, but on countries we think of as allies--Cambodia, Laos, South Vietnam--just as Johnson did. So the ironies of this thing are not funny, they're almost unbearable when you look at them. But, facts are facts. This is what we have been doing, what we're still doing. We come back to the answer to your question: The way you stop it is to stop what we're doing.

JF: You're talking about five Presidents, fostering the war in Vietnam. In essence, when you're talking against the war, aren't you indeed asking the American people to admit that they condoned murder, and isn't that kind of an impossible thing to ask the American public to do? I mean, they mandated two Presidents to end the war and saw it through...

DE: I don't follow your question, at least the tense of your question.

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JF: Well, we...

DE: ...I ask people to remove the President from office because he is killing people without justifiable reason, without legitimacy, without authority, and I think that can be briefly described as murder as the term is normally used, though it's not normally used about Presidents, I must admit, or about American officials. But it fits the description of what those officials are ordering, I think, right now. When I ask the American people to turn such officials out of office and replace them with people who are pledged to stop that process, to stop the crimes, to stop the lying, to stop the killing, that's hardly asking people to condone. It's just the opposite. It's asking them to stop condoning, passively, by their acceptance of it.

There may be many reasons for voting for President Nixon. I don't share many of those reasons that people see for him, but I can certainly see reasons that friends of mine, that reasonable people, can find for voting for him. But I do believe that they--to be honest and to be realistic--must see that what they are voting for, for whatever other reasons, is a man who has dropped those almost-4 million tons of bombs, and killed very many people--we know the measure of that too--and who I believe--though one can't see the future with the same certainty as the past--but I believe one has every reason to expect will continue to bomb, to avoid failure, to avoid so-called humiliation, in the next four years, if he's put into office. And that will be just as <sup>much</sup>murder.

I think it is, in other words, an acceptance of war versus peace to back President Nixon, and it is a condonation of murder.

JF: Is the United States indeed a warring nature--people--in nature? Are we warmongers?

DE: I think President Nixon...(talking over one another)...no, obviously, it's certainly not President Nixon alone, even among Presidents. It's certainly not one party alone by this time. Indeed, before President Nixon one could have pointed much more at my party, the Democratic Party, for pursuing this war and others, than the Republicans. I'm sorry to see that the Republican Party has joined in support and is going so far toward

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the past record of the Democrats to what could be called a war party, in terms of acceptance. I was simply about to quote him in an early phrase that got a lot of attention: "Judge us, not by what we say, but by what we do." And I think that applies not only to administrations but to the people.

When you use words like "warring by nature," words we used to use to the Germans, about the Germans, and others, there's a great danger there, humanly, that you sort of fix someone in a position for all time. You act as if they have something in their nature that's unchangeable and irrevocable and fundamental, and just has to be taken as given. If it were the case that we cannot act other than we have acted in the last seven years toward Indochina, then the world would be a very dangerous place and we would be, perhaps, the most dangerous part of it, given the physical power we have to do violence in the world and the apparent willingness that we have to do it so long and with so little reason, as we've shown in Indochina.

But I don't accept that as something fundamental, something necessary about this country. It would be unrealistic to say that it is something brand new. I'm learning more and more as I go along about the history of our country because I'm more and more impressed by the importance of that if we're to understand our present problems. I've learned more about the American Revolution, and that's on the whole very inspiring to me. I've learned more about that in the last year than I knew for years before that, as I've read about it. But you also have to look at our history in the Phillipines and our treatment of the Indians, which is not just a matter of a joke or boys' games or Saturday morning westerns. It's really part of our history, and it is not a pretty one to look at.

So you can say that a lot of those violent themes and strains do go far back, and yet they are there. They're part of what we have been. But I do not think we can afford to accept or have to accept the idea that we can't become conscious of them and change them.

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JF: But you don't feel then that the American people would just as soon forget that they play an important part in the warring that this nation has done? Wouldn't that be the first course of action? I mean if the American people could say: "I think I've had enough and that's it-- let's do something about that. If we have a man in office who is going against our wishes, not fulfilling the promise to us that he made, then let's do something about it." Apparently that is not being done, because all the stop-the-war amendments for the last 3½ years have failed. And if the Senators are truly representatives of the people, then the people are condoning war by this nation.

DE: Well, you're raising some very important points there.

JF: Well, the reason I raise them is not to step out of line. I think people have an impression of you as being that kind of person, that...

DE: Which kind?

JF: The guy that is going around saying, "Let's all confess our sins. We're mongers," and things of that nature. I think that's...a lot of people have that, and when they hear your name they say, "Aw this guy's a...he's a screwball, he's saying the war's my fault. It's not my fault, you know, I gave my son's life." I think it's a psychology in this country, people, we won't admit to it. We'd just as soon think about it for a moment, fix blame on somebody, a President or a Congressman...

DE: Or me...

JF: ...and let it go at that. And then go back to our daily chores of making an eight-to-five or whatever.

DE: Well, I won't ask you why you think there is that perception of me, because after all we've just met and you just have to be guessing too. Maybe by the end of the hour...

JF: No, we've done interviews on the street, and when the Pentagon Papers came through, people referred to you as a screwball. "Egg head" is something you've been called by a lot of media people.

DE: You know, now there I can hardly blame the people on the street

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because that's what they have read and heard and it is a media question. Maybe I should ask you now, or you can postpone the answer if you want, why you think the media people who, after all, didn't know me any more than the man on the street or any more than--less than you do at this moment, we've been talking for 10 minutes--why do you think then that they project on the blank screen essentially that particular image?

JF: I really don't know. I think the public was jaded with the Rennie Davises and the David Dillingers (sic). In Chicago primarily, we had a situation where we have a man here who is referred to as a "legal gadfly," a man by the name of Sherman Skolnick, who claimed that Davis and Dillinger were indeed agents of the United States government in 1968 and they started all the problems here and it's a movement to overthrow the government and these are...

DE: I noticed, by the way that, as a Chicagoan perhaps, you can't keep from calling him "Dillinger."

JF: (laughs) Oh, true. That's a good point. I never thought of it that way 'til you caught me saying it actually.

DE: It's Dellinger.

JF: Dellinger, right. But, it's just...I don't know. It's a general feeling that we got, it's a kind of vibe that we got from people in the street. I really can't explain it. When I first saw the stories on AP and UPI, my personal, immediate reaction was...um, I don't know, you know? You were saying that we had been deceived, lied to...

DE: Well, let's go back to your first, earlier question. You really asked a series of points here, each one of which I think is very worth talking about.

JF: Who's interviewing who?

DE: (laughing) Well, I think Americans need to talk to each other quite a bit, and I get uncomfortable always in the entirely passive role here, you know. If I wanted to be prosecuted, and I don't very much (laughs), I could go back to Los Angeles where a trial is awaiting.

JF: (laughing) Right.

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DE: But I'm really walking around the country, going around, in hopes of discussing with people. And I'm...I think you've raised some very...

JF: Well, I've thought a little bit about you, and maybe if you can...

DE: But could I just...I think we'll lead into it from your own question. You said, after all, don't Americans, wouldn't they want to turn away, to forget what's happening? I think nothing could be more natural. There's no aspect about this war that bears thinking about with any pleasure to any American I know, whether he's an official or a mother or a draftee or whoever. It's a very painful subject, and people have their own little private wars in their lives and their own problems to think about that take priority in many senses and they have lots of other things to think about. Nothing could be more understandable than people's desire to turn away their attention from the war.

If there's something--you know, I have strong political and tactical and sort of strategic differences with this President, as I have with others. And really, I've worked as a consultant to this President, as I have to his three predecessors, really to four in a row here. And obviously I disagree at times and support other things. But what's happening right now and what has been happening for several years is something I'm particularly bitter about. And that is that the President is using his role as a preacher, as moral leader, as a man who is heard when he, whenever he speaks, by most of the people in the country and who inevitably affects how they think about problems and their values and what they see as important in the world, and he's using that to encourage this natural desire to turn away from the war and forget about it, to pretend that it isn't there, while we continue to pay taxes for bombs and napalm and antipersonnel weapons, while we make those weapons in our day-to-day jobs on assembly lines and hand them over to our sons who fly them at 30,000 feet and drop them on men, women and children. It isn't just the women and children that are victims over there. On whatever side we call them, Vietnamese whose faces are pretty familiar to me from the two years I spent over there. And we drop them, with very little consciousness of the human impact of what that's doing.

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And I say, we can all be in some sense responsible, but I hold very much more responsible the people who are in a position to know better and have better information, the people who have ready access to the television and to the radio. And I'm not complaining about my access at this moment as a news figure, but, you know, it's nothing like the authority of the Presidents, who use that time to lull their people to sleep and to encourage them in that human desire to forget the consequences of what they're doing. So, just as I say, in the whole hierarchy of responsibility here, in which I don't give myself any exalted role one way or the other, I think that it's only realistic to say that as a former official I was somewhat more responsible than let's say you were, if you weren't an official, or somebody listening to this program perhaps. And at the same time I of course imply that the people above me, who had more information, more responsibility, more trust by the people, I think they abused that trust. And I think that President Nixon right now is abusing that trust. And he may well not be the last. I don't say that his opponent in this campaign is a person who can be trusted with absolute power and absolute authority as we have accorded to our past Presidents. That isn't the way this country was meant to be run in the Constitution.

As I understand--as I say, I've been reading about it more in the last year than before--as I understand the Constitution and the Bill of Rights, something that came through to me as something of a surprise was that it was very consciously based upon the principle of distrust of fellow Americans when they got into office on a theory that these people, who were very wise people at that moment in history, a theory that they had about human beings, whether they were Americans or Englishmen in the court of George III or anybody else. And that theory was that people in office with great power and responsibility would humanly be led to abuse that, to be corrupted by it, if they could get away with it. And that you had to design a government where men confronted each other and were accountable to the citizens at large and where there was free information that could check and a free press that could fulfill a vital function, not just of entertaining people, but of informing them of the painful

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knowledge when they were being lied to and when they were being mis-governed.

As I look back on that, that was one of the best theories of government that this world has seen. And to get away from it, to get back to a notion where it's not just "My country right or wrong," but "My President right or wrong," is to move toward a different form of government, much more the government of George III that we left behind 200 years ago, a monarchy or a dictatorship, very different from what we learned in grade school or high school civics courses was the theory of this government. And the government has changed. But if we condone that sort of thing, it'll change a lot more, and in a bad direction I think.

JF: Umhmm...well, you deal with the media. The media has dealt with you, considerably. Do you think that the media has perhaps distorted the picture, done a disservice?

DE: You could consider the media, in Constitutional terms, as sort of the fourth branch of government. Its role is protected specifically by the First Amendment, free press, for the purpose of monitoring other branches of government. It is one of the checks and balances. And if I compare it to the other branches of government, I think that it has behaved more responsibly in performing its function than any of the other branches, and yet performed very badly in terms of what our needs are, in terms of what the demands of the situation are. The war, after all, has gone on. Nobody has stopped it. Obviously, I haven't stopped it. And the courts, and the Congress, and the President, and the people, nobody has stopped it. And the press, one has to say, has gone further to inform the public of the realities of the situation than have the Executive Branch. That's to be expected, and it shows that we do have to that degree a free press that's fulfilling its function. Many countries, most countries in the world, do not enjoy that. Certainly South Vietnam does not; North Vietnam does not. The countries President Nixon has been visiting certainly don't, Russia and China. Really most countries don't, including many of our allies. And so we are blessed, we are fortunate to have that degree. And yet we have to say it hasn't ended this terrible process that we're involved in.

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Now you can still look at it and say, well, perhaps the press did everything it could, you know. After all, it doesn't have unlimited power. It's not running the country either, by itself. And maybe it's really done about as well as it could possibly. It's really hard for me to conclude that when I see how little information has been made available to the public about the human impact of our policies in Indochina. I think that's the missing element in the considerations that voters are right now bringing to pollsters and to their families when they think about this election. The very fact that polls reveal that people can see this President as a peace President or as somebody who is not only seeking peace, which he claims and which he may sincerely believe in some sense, but as a man who has brought peace, you know, who has ended a war virtually, that just shows such a gap from reality, and the reality that most media people know, I would say. It seems to me they should look at themselves and say: Do we lack any responsibility for this great gap? Can we absolve ourselves from a fantasy on the part of the public that's this unrealistic?

When I look at the weekly newsprograms, the daily newsprograms, I see them weakly present the figures that get handed out to them from the Pentagon about American casualties that have gone down, way down. That's true. That's a truth about the war and the American presence. And I see the charts that show sloping lines that go all the way down, not to zero, but down to where the level was when President Johnson came into office, around 20,000 U.S. troops. That's part of the reality, I don't blame them for presenting that.

What they don't present are the figures that the Pentagon doesn't hand out to them, the figures on refugees, the figures on killed and wounded among civilians, among Indochinese at large, the figures on bombing tonnage. Now it so happens that these aren't going down. The statistics there, the lines on the graphs, don't point down, they point levelly--or up in many cases. And how can we blame the public in a way for not being fully conscious of that when it really hasn't been presented to them?

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JF: Well you were a source of information in the administration. How are reporters locked out? We sit here in Chicago, we have wire services and we have a man who combs Washington for us, but how are reporters locked out? Are they blind to this? Are they turning their backs, are they being used? What's the matter?

DE: Well they're human beings like everybody else, with their own lives and their own ambitions and their own career incentives, and it's a question of allocating effort between various things. In other words, when I say one compares one branch of government against the others, it's not in hopes of finding one that's manned by angels that can do the job all by itself. The press in this case I think has not shown great initiative in digging out this question of the human impact of the war. But when I ask why that is, I think it's not just apathy. We also have to recognize that this administration...again it differs somewhat from earlier ones in this one respect, not in the bombing rate, really, but in certain respects it does. And in the question of conscious management of news--which it did not invent by any means--it's better than the earlier ones. It's succeeding more. Partly it's using more blatant threats, really.

From the very moment President Nixon announced his so-called Vietnamization program--I think that was in November 1969, which happened to be the month that I gave the Pentagon Papers to the Senate Foreign Relations Committee--Vice President Agnew in that very week launched the beginning of his campaign to make the media conscious ~~xxx~~ of the power of the administration that could be arrayed against it if they continued to anger it and give the lie to administration statements and to strip away the myths that the administration was trying to build. And although there have been instances, and even many instances, of responsible and bold challenges to that policy by the administration, still men aren't heroes and almost no man is a hero every day and in doing your job from day to day under that kind of challenge and that kind of threat--because the government is there every day and has a very, very long memory--it can't help but affect the day-to-day choices that get made and what gets on that evening news and what facts are presented and so forth.

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Some of this isn't that hard to dig out. There's a number that you can call in the Pentagon, as I've demonstrated to a number of newsmen, you just call it and you say, "I'm so-and-so from some newspaper. What's the latest monthly bombing tonnage?" And they're quite unembarrassed about giving that figure out. I did it just the other day with a newsman. I urged him to do it and he did it, and they told him, Southeast Asia Information Branch, Public Information in the Pentagon, told him right away: The figure for June was 112,000 tons for Indochina. And the figure for July, this is the latest that they have available, is 99,000 tons.

Now 99,000 tons is five Hiroshima bombs, that's 20,000 apiece. Nixon's dropped a million tons, when you add those monthly figures together, he's dropped a million tons in the last year. That's a Hiroshima bomb--it's really more than one, but roughly--it's a Hiroshima bomb for each week of that year, which just happens to be the same rate as each of the years before it, which is how you get to the figure of 3.7 million tons of bombs when you add those monthly figures together.

Now I'm saying this to say that you don't have to do a big spying operation on the government. You have to pick up the phone to get that. Frankly, I've told quite a few newsmen about that, if they needed to know it. But you don't see those figures on the daily or weekly or monthly television screen, and frankly you don't see them in the newspapers either. It just, all things considered, isn't worth it to make that point too prominently to the American public.

JF: Let's go back to the guy on the street who says: Daniel Ellsberg is a tell-it-like-it-is guy and I think he's right. However, he...

DE: I'm delighted to be reminded that there are really people like that--I don't usually hear about them in radio or television studios...

JF: (laughing) Oh sure, I mean...it's a two-way street...

DE: I do meet them on the street, I'm glad to say, occasionally...

JF: Right. You usually get the bad side of it, but you have to admit that there are people like that...

DE: Do you know what the truth is? On the street, and this is I guess an

element of American politeness which makes my life a lot easier, on the street the people who disagree with me, of whom there may be many, either don't recognize me or they don't come up to me. And that's not an invitation when I say that, because it's very nice that the people who do support me and sympathize will come up, shake my hand, and say thank you and that's good. I hear about the other thing from television interviewers (laughs) and radio interviewers that keep me well reminded that there are others.

JF: There's one reservation that perhaps will be made by a person that does agree with everything that you are saying and the things you are revealing. He will say, "You violated the security..." He has that question, whether or not you have endangered or perhaps started a trend that would be a bad thing to continue really. And I know that you're having your legal problems with that question...

DE: No, no, no. Let's talk about me, rather than...(not clear)...and I know that for purposes of discussion here you're taking that position, which you may well believe or not, I don't know. But the way to focus it, I guess, would be to ask you...(not clear)... Let's talk about something concrete. There's 7000 pages in the Pentagon Papers. Let's start by discussing a line or a page that you can cite as having hurt the interests of this country to reveal, or the security.

JF: Well, let's say that you were fairly...

DE: Let's discuss that one, let's just discuss that particular example. It's been out for a year now, what would be an example? There's been a lot of discussion in the papers. What's an example of something that came out that hurt this country?

JF: I can't think of any personally.

DE: I've never heard anybody that I put that to, nobody's ever given me an example. The whole thing gets to be rather abstract and hypothetical somehow. It makes me wonder what people are talking about.

JF: Well, I was stopped in the hall this morning and somebody said to

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me, "Daniel Ellsberg is coming up and you're going to do the interview..." And I said "yeah." And he said, "You know, I agree with that fellow and what he says, and I think it's about time and there are changes that have to be made--not throw out the system or destroy the system, but there are differences about some things that should be straightened out," he said. "But you know," he said, "but somehow I feel as though the security of the nation somehow perhaps has been jeopardized."

Now I'm trying to think of his exact words, because--Sheldon! come here, Sheldon, just a second. Here's the fellow that stopped me and it was, I thought about it--our engineer (introductions and talking over). Sheldon, you stopped me in the hall this morning and it was... (talking over)...security. Yeah.

DE: What's an example of something that gives you worries about the security?

Sheldon: Well I wasn't worried about the security. All I said was-- and I almost got lynched by my wife for saying it--she's very anti-war, very anti-war. Not a marcher or anything, she just doesn't dig the war...well I don't think, well who digs war? I mean that's ridiculous...

DE: Does she differ from you in this?

Sheldon: No, but she's more, more adamant about the thing. And all I said was I thought what you did...

DE: I don't want to cut you off, we can get back to that, but I am very curious. Why, how do you find that, why is that? Why do you feel she's more adamant than you are?

Sheldon: She reads more than I do.

DE: Well...that's my problem...(laughs)

Sheldon: All I said to her was that I thought what you did was illegal, and therefore you were guilty of that. Not of informing the public that all this baloney had gone on in Europe and--I'm sorry, in Vietnam--and... that was my only...

DE: Gee, well that is a different point...(talking over again)

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Sheldon: ...the security laws on those (garbled) which is stamped Top, Not So Top, Least Top, and All Right...and that...I thought what you did...

DE: I see. Now we're talking about a different point of course, and both come up and they're both very good. Obviously, there are some people who agree with you or at least say they do, you know, like the prosecution. They wouldn't have indicted me if they didn't think there was something illegal. I presumed, frankly, not knowing the law and not being a lawyer, I assumed there might well be something illegal about it. There might be some law that had been passed that I was violating that underlay those security regulations of the Department of Defense which I knew very well did exist, you know, as house rules, in effect, on the basis of which any employee could be fired. I assumed that there might well be a law by Congress that underlay that and could make it criminal to do.

Well I was wrong. From all past precedent it would appear, to my surprise, as the lawyers looked at this over the year, there is no law. Congressmen are very surprised when they discover this. I am in fact being charged under--it would take some time to go into it, but totally new interpretations of existing laws, that had nothing to do directly with giving information to the press or to the American public or anything else. Because we don't have any such laws.

England does, just to put this into perspective. Most of our Western allies don't, actually; England is an exception. And we don't. We don't have an Official Secrets Act, it turned out. So by all past interpretations, I didn't break a law. As I say, I did break those rules of the Department of Defense, by which I was no longer employed, but the rules exist. They're not criminal sanctions, they're passed just by the President and the President can't put somebody in jail by his own rule. That takes an Act of Congress.

So what that means is that if these old laws are reinterpreted in such a way that they do make this sort of thing illegal, you know, so that I can be convicted, the law will have changed. We've got a new law, in effect. And that's one of the ways law changes. But the next thing we ask is, well what do we feel about it's changing in that way?

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Well, the reason Congress has refused to pass such a law in the past is, first, the First Amendment, freedom of speech and the press, and, above all, the reasons for the First Amendment--Congress' appreciation of the fact that if you allow Executive officials to make it criminal to expose what may be their wrongdoing or their misgovernment or their deceptions, which they will certainly try to conceal, you're giving it the power really to overthrow democracy, to change the nature of our government fundamentally. And that, I find, is the reasoning that has always defeated past administrations in their attempts to get such an act passed. And it seems to me very good reasoning.

Coming back to your security point, I think you have to judge the various risks here: the risks of telling too many people too much, which is the risk that goes along with democracy, versus the risks of not telling them enough about how government officials are operating. Those are the risks that go along with other forms of government, and those are the risks we've been living with for some time now, not telling people, the risks of secrecy.

To me, you should make the choice between those risks in part on the basis of the information you have, as to how government officials have used their function of keeping secrets--or abused it. Now you have more information this year than you had two years ago; like it or not, you have the Pentagon Papers to look at. And I would say when you look at those papers, when you look at those documents and you say: This is what they were keeping from the American people, they answer two questions: Why were these classified?--that answers itself. Because they reveal lies; they reveal manipulation; they reveal illegal international and domestic and unconstitutional action by our officials. It's easy to see why they were classified. The officials didn't want that known. They'd lose their jobs. They might even be impeached or imprisoned.

Should they be classified? Did it help the country or hurt the country? Again, you can't look at those documents, I think, and not conclude that those secrets--I mean the fact that they were secret, that they weren't known to Congress or the courts or the people--they helped support and prolong a war that led not only to 55,000 American

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dead, hundreds of thousands--really millions- of Indochinese dead, and more millions of refugees. And to me, that evidence has to weight a reasonable man's judgment pretty heavily toward changes in this system and toward accepting the risks of openness instead of the risks of secrecy in the future.

JF: You mentioned that they were secret to members of Congress, and we were talking a little while ago about the press and about how government is there every day and it has an influence on what does and does not get on the evening news. Was it a secret to the Congress, or had they been living with those lies too?

DE: Yes...we've talked about a hierarchy of responsibility, and Congress certainly has much more power, Constitutional power, to learn facts, to learn truth, than you or I do as private citizens, or even the press does. They can subpoena, they can demand witnesses, they can compel testimony. As a matter of fact, as we know, they haven't done that much in the last 25 years, really decreasingly. The announcement of Executive privilege by the administration has risen tremendously. And really that notion--it's been with us to some degree throughout our history, and the administration always points to that. But the truth is that by any measure, any standard, it's immensely more used since about 1950, starting with Harry Truman and then much more under Eisenhower in '54, than it was ever used before. And the effect of that is to use Executive privilege to keep information even from Congress, which certainly has a right to classified information, while you use the classification stamp to keep the information from the public. In fact, even when you give so-called classified information to Congress, that classification serves the purpose of keeping them from using their judgment in giving it to the public, at least they've interpreted it that way. So they can't use it. They can't really act on it, even when they see very well what it contains. You've got a censorship system, in fact.

Now, Congress does have responsibility for having allowed this to go on, for not informing themselves better. Still I come back to my general rule of thumb here: The responsibility of the people lied to is somewhat less than the responsibility of the liars. And in this case

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Congress was acting ignorantly, though, as I say, that was partly their fault. Still the ignorance was there. The people who voted for the Tonkin Gulf resolution might have, many of them might have voted for it anyway if they'd known the truth about the provocations that we'd been doing against North Vietnam, the secret attacks that we were denying, that led up to the attack on our destroyers, that one attack. They might have, and then they'd have full responsibility. But as it was, they didn't know. They were lied to. That "functional equivalent of a declaration of war," as the administration called it, was manipulated out of Congress by fraud. And so it's, in a way it's not realistic to say that Congress bore full responsibility for that. As years pass by, of course, that excuse serves less and less well, as they refuse to cut the war funds off, which you mentioned earlier.

JF: Are there any more Dan Ellsbergs's? Is the government ridden with that nightmare, perhaps to their way of thinking, that there might be another Daniel Ellsberg someplace who is struggling with his conscience, wondering, Should I say something about what I know?

DE: I certainly hope so. But again, I don't want to give myself airs on that one. I did not invent the honorable process of leaking and exposing government lies or whatever. That went on long before me. And I'm glad to say that despite my prosecution I do have one honor due me. I'm the first person ever to be prosecuted as a source, or as a leaker--ever. Now, we were talking earlier about the legal aspects of this. I knew there had been no prosecutions and I didn't know why. It turned out, as I say, because no one had ever believed that there was a law under which they could be prosecuted. So I'm the first on that respect, I have that honor.

But I'm glad to say that the indictment has not stopped other people from revealing facts to the public that the public ought to know. And you know, when I look--we get back to your hypothetical listener who's worried about the security and the secrecy and everything--again I think: Judge the problem in terms of the evidence that we have. That doesn't perhaps settle the question, but it carries us in the right direction. Just look at the list in the last year of revelations based

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on documents that had been wrongfully classified and withheld from the government. The withholding of the Peers' (?) report that told the details of My Lai, the government's own investigation of My Lai, still classified, still withheld. But mainly revealed by Sy Hersh in THE NEW YORKER and elsewhere. Sy Hersh the same man who revealed the details of the My Lai massacre itself, which had been withheld. The details of weather modification schemes which had always been withheld from us. The facts of the bombing by Gen. LaVelle, supposedly unauthorized but certainly against what the President was telling us was the case.

To go back into an earlier administration, the facts of Army surveillance in 1968 under the Democrats, based on classified documents that the New York TIMES revealed just last week. Incidentally, nearly all of those were the work of one reporter. We get back to your point. The press does not abound in genuine investigative reporters. But Sy Hersh gave us all those, all based on classified documents.

Now I look at those and I say to your critic, which one of those do you think the public interest was hurt by the revelation? Which one had been properly withheld earlier? In which case was it not improper and an abuse of democracy for the government to withhold those facts? I don't find an example. When people start coming up with counter examples like this that genuinely hurt the public--now they hurt our feelings, it's painful to hear this as a citizen. Every one of those is painful. Painful to me as a Democrat to know--it's hardly news, you know--that in '68 my party conducted surveillance of a similar kind, not quite as pointed, as the Watergate bugging that we're seeing today.

But I say I thank Sy Hersh for giving me that information, for the same reason that I think people on the street will thank me. Not because it makes me feel good to hear that, but because I'm glad I'm still a citizen in a democracy who can take information like that and act on it. In this case, act within two months in an election process. Act in a way that I couldn't have acted if I didn't have that information. I otherwise would have to act ignorantly. So I thank him for that. And I think that people like your wife, can I say, as somebody who's provided some reading material for the public that I think is relevant, I'm glad

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to hear about people who read and feel and think about what they read. Because I think we can't have too many in this country. That's what keeps our democracy functioning as a democracy, and it's what will make it fulfill what a democracy is supposed to be, an informed citizenship. Has she read, by the way, much of the Pentagon Papers?

Sheldon: I don't know. Probably only what was in the papers.

DE: Have you?

Sheldon: No.

DE: Well, my thanks to her. (laughter)

Sheldon: Can I ask you one other question? Are people who have a job similar to yours, do you swear to uphold the Constitution and all that when you take your job? Do you sign a paper? What, you know...

DE: Certainly in my long career, with the Executive Branch, with...I did certainly take that oath as a Marine officer, for example. I worked for State Department, Defense...you sign different pieces of paper, and I'm certain that I've signed that particular one and raised my hand several times. And I might say, by the way, that I'm glad that you remember the contents of that correctly. Some people look at me or question me as if Americans were asked to sign an oath of allegiance to the President, or to the Department of Defense. Now you know that really doesn't happen here. That's what was the nature of the Nazi regime, it's what kept people from resisting Hitler because they'd signed an oath personally to the Fuehrer.

We don't do that. When we do raise our hands we raise them to the Constitution. And I think when an American--you asked me what I think officials ought to do--I think when an official sees on his desk papers that show that his superiors, his boss, to whom he may feel very personally loyal in many ways, may respect and certainly may feel dependent on, in important ways, when they have deceived the Congress and bypassed Congress, when they have in effect usurped power or tried to act against the Constitution, his loyalty, his basic loyalty, is not to that boss, who in this instance is acting very wrongly. It is to

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the Constitution. It is to his fellow countrymen. It is to the truth. Thank God that an American never has to make, or never should make, a promise of loyalty to any individual that goes above his loyalty to the truth. To be a loyal American, you can love truth in this country and you can act on it. You know Camus' statement, he said, "I should like to be able to love my country and also love justice." Well an American can still do that, if he remembers it and if he acts on it.

JF: And if he has the courage to do it.

DE: Well, it takes courage to live in this world. And I've been among men much of my life that showed courage as a day-to-day matter. I've been in the front lines in combat in Vietnam, and I've been among men who were preparing themselves for that professionally, and courage is commonplace on that level. The number of men who get medals for it are just a tiny fraction of the people who behave courageously. But what I think is a threat to our democracy is the fact that when you get back into civilian life and behind the front lines, people act as though courage was not only not necessary, but there was something almost immoral about it, that it was wrongful, disobedient, almost disloyal. It's a very startling situation. It certainly is something very extraordinary.

Well, I think in day-to-day civilian life you don't have to risk your life as much as in the front lines, except when you cross the street, when you breathe the air. But in terms of having the courage of your convictions and the courage to face truth honestly or to say it honestly, the real demands of that in civilian life are just as great as they are on the front lines, or at least just as frequent. And I think we've got to become aware of that and remember that to be a responsible citizen doesn't mean that you have to be bold and take risks only when you're wearing a military uniform and facing a foreign enemy. You have to realize that lies and human fallibility and corruption can be the enemy of our fellow countrymen and our democracy just as much as any foreign enemy can be. And it can take boldness. And let's admire the people who serve as an example, when we become aware of them one way or another, but not tell

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ourselves that they're the exception and they're doing it for all of us and we don't have responsibilities ourselves.

JF: This may seem like a far-out question, after having talked to you and your having said the things that you've said: What do you think of the television program "All In The Family"?

DE: I really have never seen that...my children like it, I know. And yet they told me things about it that made me feel critical of it. But I don't like to criticize something that I haven't seen firsthand.

JF: Okay, I said it was a little far-out. Is there anything else that you'd like to bring up?

DE: Well...maybe I should break my rule and what I just said and comment that I have seen the humor quoted. My own children have quoted it to me. And I think they, by the way, understand it or see it the same way I would. And it is a humor based, I think, on contempt for a lot of other people. In this case, it would seem, for other Americans as well as foreigners. And that kind of contempt is what we see mirrored in our own leaders, the ones we elect, for the people they ruin, when we see them lie to us and manipulate, kid us along, tell us the convenient thing. And when we see them rather casually, in real terms, just to hold their office, just win an election or whatever, just to avoid their humiliation, when we see them drafting our sons and when we see them taking the moral responsibility of telling those patriotic and loyal young Americans that they're doing the right thing when they go over and kill Indochinese. Which is a lie, and which really puts those young people in the position of participating in a lie and murdering people. As so many of them have found when they get over there or when they come back, if you listen to the Vietnam veterans when they come back. The contempt for Indochinese lives that we show when we don't even bother to list the refugees that we're causing. When we don't even bother to list the bodies of the civilians that our bombers cause. That's contempt. And I think rather than to encourage, by awards and everything else, that kind of attitude toward other human beings to be approved or legitimized or regarded as funny and acceptable, we should recognize where it leads. And where it

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leads is to murder and destruction on an enormous scale. And it won't stop until we really come to realize that in fact there is one human family, and we cannot afford to rule any people out of that family and say they're less than human and they don't have to be considered.

JF: One more if I may. Ramsey Clark and Jane Fonda--too many cooks spoil the broth? Do you think perhaps they may have erred in going over there and discussing something as highly emotional as the POW issue?

DE: I have to feel thankful to them for risking--and we have an example of courage here I think--not only their lives under our bombing when they went over, but something that's harder for a lot of people to face, the certain knowledge of the kind of abuse and criticism that they were sure to get when they returned, given that what they were doing was trying to inform their fellow countrymen authoritatively, on the basis of face-to-face knowledge of what we really were doing, in a situation where the media weren't present, in an unfree country. You know, North Vietnam--one reason they're not present, North Vietnam is not my model of what I want this country to be, any more than South Vietnam is. So in a situation where neither our administration was telling frankly the people, nor the other side was allowing full freedom of expression, I think somebody had to go and look for themselves. And I'm glad they did it. I'd be delighted to see the Republicans send whoever they want. I notice, for instance, that Jimmy Hoffa, this morning I see in the paper, was just refused a visa. I'm no great fan of Jimmy Hoffa, but I think you can't have too many people going over there and seeing for themselves what it is...I don't think that was the main purpose he was going, but I would hope that if he or whoever else...I've suggested in the past Martha Mitchell, and that's without joking actually, as a very candid and frank member of this administration, going over <sup>and</sup> ~~the~~ telling us what she sees over there. I don't think it should be restricted to just one group of people. I want to hear, I want to hear as an American what's happened.

JF: We've been talking about controls, though. Don't you feel as though

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perhaps what Ms. Fonda and Mr. Clark saw were indeed controlled pictures of what is going on in North Vietnam? Were they spoon-fed, as reporters are, or spectators are, that come to this country?

DE: Well, I suspect...you know I've seen a lot of shelled-out schools and hospitals and what not in the South, and I suspect that when Ramsey Clark, the former Attorney General, tells us that he saw bombed-out schools and hospitals over there, that he was telling us the ~~whole~~ truth. It's not the whole truth, and he could be over there for years and he couldn't bring us back the whole truth about anything. Let's say that he brought us back what they wanted us to see. Well frankly, if that's there to be seen, I want to hear it. I don't care what they want us to see. That's part of what I want to know about what we're doing. But as I say, if Martha Mitchell would come back with the information that those schools were really nuclear storage sites and those hospitals were really ICBM posts aimed at the United States, I'd want to hear that too.

JF: "Who do you trust?"--Monte Hall. Okay.

DE: Thank you.